

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL CASE NO. 1:06cr251**

**UNITED STATES OF AMERICA, )**

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**)**

**vs. )**

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**)**

**ROBERT DEON HUNTER, Jr. (3),)**

**ROBERT DEON HUNTER, Sr. (4).)**

**)**

**ORDER**

**THIS MATTER** is before the Court on the Government's Motion to Dismiss Forfeiture of Real Property at 150 Morehead Road, Marion, North Carolina [Doc. 321]. No response has been received.

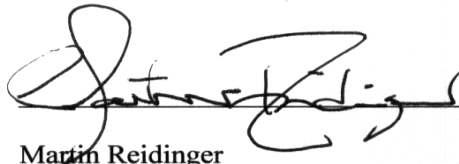
In the motion, the Government alleges that the forfeiture of the real property at issue has never been completed. Because there is no equity in the property and there are substantial tax liens, the Government seeks to dismiss the forfeiture.

However, on February 25, 2008, Hon. Lacy H. Thornburg entered a Final Order of Forfeiture in which he adjudicated that "[a]ll right, title, and interest in [the property at issue] ... [was] forfeited to the United States for disposition according to law[.]" [Doc. 242]. From the standpoint of the Court,

the forfeiture became completed and final as to the ownership interest of the Defendants and all third parties when this Order was entered. United States v. Penland, 370 Fed.Appx. 381 (4<sup>th</sup> Cir. 2010). This Court therefore cannot dismiss the forfeiture. Should the Government desire to dispose of the property, it may do so without involving the Court.

**IT IS, THEREFORE, ORDERED** that the Government's Motion to Dismiss Forfeiture of Real Property at 150 Morehead Road, Marion, North Carolina [Doc. 321] is hereby **DENIED**.

Signed: October 19, 2010

  
Martin Reidinger  
United States District Judge

